

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MARSHALL KEESE,	:	Case No.: 2:20-cv-01219-NIQA
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Plaintiff,	:	
v.	:	Honorable Nitza I. Quiñones Alejandro
	:	
	:	
FRONTIER AIRWAYS,	:	
	:	
Defendant.	:	
	:	

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**FRONTIER AIRLINES, INC.’S MOTION TO MODIFY SCHEDULING ORDER**

Defendant Frontier Airlines, Inc. (“Frontier”), incorrectly sued as Frontier Airways, through its counsel, hereby moves to modify deadlines in the Court’s August 14, 2020 Order (ECF No. 19), by approximately 120 days each. Frontier seeks to extend these deadlines as follows:

- Extend the deadline to complete fact discovery from January 29, 2021 to **May 28, 2021**;
- Extend the deadline to file expert reports from February 26, 2021 to **June 30, 2021**;
- Extend the deadline to disclose rebuttal experts from March 29, 2021 to **July 30, 2021**;
- Extend the expert discovery cutoff date from April 29, 2021 to **August 27, 2021**;
- Extend the deadline for dispositive motions from May 20, 2021 to **September 20, 2021**; and
- Extend the final pretrial conference date from July 20, 2021 to **November 19, 2021**.

The primary reason for this motion is that, despite the best efforts of counsel on both sides, circumstances beyond their control have adversely affected their ability to conduct discovery that is needed to meet the deadlines established by the August 14, 2020 Order. These include, of course, the current COVID-19 pandemic that is making travel and assembly inadvisable and, in some

cases, forbidden by state and federal decrees. Further, counsel for Frontier has been working for months to obtain Plaintiff's medical records related to the injuries he allegedly sustained as a result of the incident. Frontier is waiting on additional records that are necessary to take Plaintiff's deposition.

Frontier has been diligently working to complete discovery. Despite Frontier's best efforts, additional time is needed so it can complete its efforts to obtain Plaintiff's medical records, depose Plaintiff and other facts witnesses, and conduct a Rule 35 examination of Plaintiff. Given that it is unknown when the pandemic-related restrictions will be lifted, Frontier intends to proceed with depositions via video conference. Frontier has also proposed participating in a settlement conference before a magistrate judge.

Counsel for Frontier emailed a proposed joint motion to modify the scheduling order to counsel for Plaintiff on January 20, 2021, asking if Plaintiff wished to join in this request. Thereafter, counsel for Frontier followed up with Plaintiff's counsel regarding Plaintiff potentially joining this motion. Plaintiff's counsel, however, never responded to such inquiries. Given the impending deadlines, and Frontier's inability to complete discovery, Frontier respectfully requests the Court grant this motion. This is Frontier's first motion seeking an extension of deadlines in this case.

DATED this 22nd day of January, 2021.

/s/Matthew D. Martin  
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COUNSEL FOR DEFENDANT  
FRONTIER AIRLINES, INC.

IT IS SO ORDERED:

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UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2021, I caused the foregoing to be electronically filed with the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system.

By: /s/ Matthew D. Martin

Matthew D. Martin  
Attorney for Frontier Airlines, Inc.